

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

**STATE OF KANSAS, STATE OF NORTH
DAKOTA, *et al.*,**

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 1:24-cv-00150-DMT-CRH

DECLARATION OF ADAM TESCHER

Pursuant to 28 U.S.C. § 1746, I, Adam Tescher, states as follows:

1. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.

2. My name is Adam Tescher. I serve as the School Finance Officer with the North Dakota Department of Public Instruction (ND DPI). I have served with the ND DPI for approximately 9 years. In my capacity as School Finance Officer, I am familiar with the costs incurred by the State of North Dakota for providing public education to North Dakota students.

3. At the request of the North Dakota Attorney General's Office, ND DPI has prepared this declaration addressing some of the average costs incurred by the State of North Dakota for students currently enrolled in the North Dakota public education system.

4. During the 2022-23 school year, the most recent year of complete data, the State of North Dakota incurred average educational costs per student of \$14,345.87 for each student in the public education system.¹ That average cost per student includes salaries for instructional staff, administrators, and support staff; classroom materials and equipment; school utilities and maintenance. It does not include capital outlay, extracurricular activities, school lunch programs, transportation, or early childhood education.

5. ND DPI does not currently have a calculation for the average cost per student for the current school year but anticipates the cost per student will be higher in the current school year

¹ See State of North Dakota, Dept. of Public Instruction, School Finance Facts, at 4 (Feb. 2024), <https://www.nd.gov/dpi/sites/www/files/documents/SFO/2024FinFacts.pdf>

than it was in 2022-23. The cost of education has increased over the last decade and ND DPI does not have any basis to anticipate that trend will reverse this school year.

6. During the 2022-23 school year, approximately 34% of the students enrolled in the North Dakota public education system received State-funded transportation, and school districts in the State of North Dakota incurred average costs per student of \$2,041.23 for each student in the public education system that received transportation.² That average cost includes salaries, fuel, and vehicle expenses related to transporting students to and from public schools. It does not include costs attributable to transportation to or for extracurricular activities.

7. ND DPI does not currently have a calculation for the average transportation cost per student that received public-funded transportation for the current school year but anticipates the average cost per student will be higher in the current year than it was in 2022-23. The transportation cost has increased over the last decade and ND DPI does not have any basis to anticipate that trend will reverse this school year.

8. Information received from the ND DPI Child Nutrition & Food Distribution office, during the 2023-24 school year, approximately 8% of the students enrolled in the North Dakota public education system received subsidized or free school lunches, and the State of North Dakota incurred average costs per student of \$177 for each student in the public education system that received subsidized or free school lunches. That average cost includes only the average cost per student incurred by the State for subsidized or free lunch programs; it does not include costs that are covered by the federal government.

9. ND DPI does not have currently have a calculation of the average cost per student

² See State of North Dakota, Dept. of Public Instruction, School Finance Facts, at 4 (Feb. 2024), <https://www.nd.gov/dpi/sites/www/files/documents/SFO/2024FinFacts.pdf>

that received subsidized or free school lunches for the 2024-25 school year but anticipates the cost per student will be higher in 2024-25 than it was in 2023-24, due to the State legislature increasing the funding for subsidized and free lunches for the 2024-25 school year.

10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Bismarck, North Dakota, on October 31, 2024.

A handwritten signature in black ink, appearing to read "Adam Tescher", is written over a horizontal line.

Adam Tescher
School Finance Officer
N.D. Department of Public Instruction